

REMARKSI. 35 U.S.C. § 102 Rejections Based on the Jones '274 PatentA. Claims 1-10 and 18-27

Examiner Bumgarner (hereinafter "Examiner") has rejected claims 1-4, 6-8, and 10 under 35 U.S.C. § 102(b) as being anticipated by Jones (4,114,274). *Examiner's Office Action* p. 2 (25 Oct. 2002).

1. Independent Claim 1

Applicant has herein amended claim 1 to recite "at least one substantially self-contained portable base unit having a dental handpiece driver; and at least one suspension device couplable between said at least one dental bracket table and said at least one substantially self-contained portable base unit having the dental handpiece driver, said at least one suspension device structured to allow a dental patient chair to be positioned substantially below said at least one dental bracket table." In addition, Applicant respectfully points out that Applicant has stated that "portable dental treatment systems are dental treatment systems which have been designed such that they can be compacted and bundled so that a relatively fit person (e.g., a man or a woman) can physically carry the portable dental system." *09/828,601 Application*, page 1, lines 15-18.

With respect to Applicant's unamended claim 1, Examiner has stated that "Jones discloses a dental treatment system comprising at least one dental bracket table 35, at least one portable base unit 42, and at least one suspension device 39 coupled between the at least one dental bracket table and the at least one portable base unit as best seen in figure 1." *Examiner's Office Action* p. 2 (25 Oct. 2002). Applicant points out that what Jones states actually states is:

The primary instrument console 11 includes a tray assembly 35 adapted to carry the power-operated dental handpieces 12 or the like and includes an upper tray shaped configuration upon which miscellaneous instruments and tools 13 may be placed. The interior of the tray assembly is adapted to contain hose for the power-operated dental handpieces and other devices for their operation which are well-known to those with ordinary skill in the art. The tray assembly is pivotally

mounted at 37 on one end of an arm 36 which is in turn pivotally mounted at 38 on its other end to one end of a second arm 39 which has its other end pivotally mounted at 40 to the upper end of an elevator assembly 42 for raising and lowering of the tray assembly 35 so as to position the tray assembly 35 at desired positions over a patient seated in the treatment chair 10. The elevator assembly 42 is mounted on a base assembly 43 which is in turn mounted on and carried by the swiveling portion 28 of the base assembly 26 of the treatment chair 10 (as shown particularly in FIG. 6) so that the primary instrument console 11 will swivel with the treatment chair 10 to maintain the same in desired positions with respect to a patient seated in the treatment chair 10.

A drive means, preferably in the form of an electrically operated reversible motor 45, is connected with the instrument console elevator assembly 42 for operating same.

Referring more specifically to FIGS. 2-5 which illustrate in detail the instrument console elevator assembly 42, it may be seen that this elevator assembly 42 comprises a hollow housing 47 to which the reversible motor 45 is stationarily secured therewithin.

Jones '274 Patent, col. 4 lines 27-58 (emphasis added). Furthermore, with respect to the Jones '274 structure identified by the Examiner, Figs. 2-6, and their supporting texts, teach that:

The motor 45 includes a shaft 48 extending outwardly therefrom to be driven in either direction of rotation. A pinion gear 49 is secured to the outer end of the shaft 48 and engages a rack gear 50 secured to the outside of a hollow stationary post 51 which is carried by the base assembly 43. The stationary post 51 extends up into the hollow interior of housing 47 and telescopes inside of a hollow movable post 55 secured to the inside of housing 47.

The stationary post 51 and movable post 55 are adapted for relative movement with respect to each other by the movable post 55 moving up and down in telescoping relationship along the stationary post 51. The movable post 55 carries the housing 47 of the elevator assembly 30 therewith and thus the arms 36, 39 and tray assembly 35

As an assist and dampening means with respect to the up and down movement of movable post 55, housing 47 and tray assembly 35, an air operated piston 65 and cylinder 66 are provided An air line 70 leads from a suitable air supply (indicated schematically in FIG. 7) through a relief valve 71 to hollow pin connection 68 to provide a supply of compressed air internally of the cylinder 66 and provide a predetermined pressure against the piston end of piston 65 to bias the movable post 55 and the housing 47 of the elevator assembly 30 along with the tray assembly 35 in an upward direction and provide a damper against downward movement of the movable post 55 with respect to the stationary post 51

Thus, as the electrically operated reversible motor 45 rotates the shaft 41 and pinion gear 49 in one direction, the rack 50 will be moved upwardly carrying the movable post 55 and the housing 47 of the elevator assembly 42 to elevate the tray assembly 35. This upward movement is assisted by the air operated piston and cylinder 65, 66

Jones '274 Patent, col. 4 line 58 - col. 5 line 44 (emphasis added).

Thus, as seen, the structure identified by Jones is affixed by "base assembly 43" and bolted "on and carried by the swiveling portion 28 of the base assembly 26 of the treatment chair 10 (as shown particularly in FIG. 6)." The air supplied to Jones is from an "air line 70 [that] leads from a suitable air supply (indicated schematically in FIG. 7)," shown in Figs. 1-2 as coming from plumbing in the floor. The "electrically operated reversible motor 45 [of Jones] rotates the shaft 41 and pinion gear 49 in one direction, [such that] the rack 50 will be moved upwardly carrying the movable post 55 and the housing 47 of the elevator assembly 42 to elevate the tray assembly 35.... [and] this upward movement is assisted by the air operated piston and cylinder 65, 66." Thus, as can be seen, Jones does not teach "at least one substantially self-contained portable base unit having a dental handpiece driver; and at least one suspension device couplable between said at least one dental bracket table and said at least one substantially self-contained portable base unit having the dental handpiece driver, said at least one suspension device structured to allow a dental patient chair to be positioned substantially below said at least one dental bracket table" as recited by claim 1. Accordingly, Applicant requests that Examiner issue a Notice of Allowability of claim 1.

2. Dependent Claims 2-10, and 22-23

Claims 2-10, and new claims 22-23 depend either directly or indirectly from claim 1, and are thus allowable for at least the reasons why claim 1 is allowable. Accordingly, Applicant respectfully requests that Examiner issue a Notice of Allowability of claims 2-10 and 22-23.

II. 35 U.S.C. § 102 Rejections Based on the Grayson '012 Patent

Examiner Bumgarner (hereinafter "Examiner") has rejected claims 1-4, 6, 7, 10, and 18-21 under 35 U.S.C. § 102(b) as being anticipated by Grayson et al. (3,726,012). *Examiner's Office Action* p. 3 (25 Oct. 2002).

A. Claims 1-10, and 22-23

1. Independent Claim 1

Applicant has herein amended claim 1 to recite "at least one substantially self-contained portable base unit having a dental handpiece driver; and at least one suspension device couplable between said at least one dental bracket table and said at least one substantially self-contained portable base unit having the dental handpiece driver, said at least one suspension device structured to allow a dental patient chair to be positioned substantially below said at least one dental bracket table." In addition, Applicant respectfully points out that Applicant has stated that "portable dental treatment systems are dental treatment systems which have been designed such that they can be compacted and bundled so that a relatively fit person. (e.g., a man or a woman) can physically carry the portable dental system." 09/828,601 Application, page 1, lines 15-18.

With respect to Applicant's unamended claim 1, Examiner has stated that "Grayson et al. disclose a dental treatment system comprising at least one dental bracket table 13, at least one portable base unit 12, and at least one suspension device coupled between the at least one dental bracket table and the at least one portable base unit as best seen in figure 1." Examiner's Office Action p. 3 (25 Oct. 2002). Applicant points out that Grayson et al. is not at all concerned with the console 12, but rather with the "structure and arrangement of an assembly for a dental handpiece . . . whereby the handpiece may be manipulated with enhanced comfort and control." Grayson '012 Patent, col. 1, lines 8-13. With respect to console 12, what Grayson actually states is follows:

Referring now in detail to the drawings, there is shown in Fig. 1 dental apparatus employing the elements of the present invention and including a dentist's chair 10 having located in proximity thereto a console member 12 comprising a table portion 13, with the combined structure having mounted therein equipment normally useful in the performance of ordinary dental operations. Thus, the table portion 13 will contain thereupon much of the ordinary apparatus which is utilized to provide a more commodious environment for the patient, while at the same time being internally structured to house and support other equipment such as the mechanical, electrical, hydraulic or pneumatic elements required in powering and operating the apparatus. Since the present invention is particularly adaptable for utilization in connection with air rotor types of dental equipment, it is intended that the console 12 contain sources of air and water which are applied, in a manner to be further discussed hereinafter, in the operation of

the dental equipment involved. The particular structure and arrangement of the console, as well as the nature and configuration of the power equipment including the sources of air and water, are not shown in detail and may be configured in accordance with conventional prior art arrangements. The present invention is considered adaptable in usable with a variety of such types of equipment and a detailed description of this portion of the operative structure is not considered necessary to a full understanding of the nature and operation of the invention.

Grayson '012 Patent, col. 3, line 58 -column 4, line 22 (emphasis added). Thus, with respect to the Grayson '012 structure identified by the Examiner, Grayson is simply silent, except to state that the sources of air and water are supplied in the conventional manner. Furthermore, with respect to console 12, there is no indication that the console is to be movable, let alone portable (e.g., a standard sized refrigerator is movable, but not portable). With respect to the "feet" on the bottom of the console 12, Applicant respectfully points out that there is nothing in Grayson to indicate console 12 is to be moveable, and that if Examiner thinks there is, it is likely that she is using impermissible hindsight based on Applicant's application, in that Grayson is silent on this matter. Thus, as can be seen, Grayson does not teach "at least one substantially self-contained portable base unit having a dental handpiece driver; and at least one suspension device couplable between said at least one dental bracket table and said at least one substantially self-contained portable base unit having the dental handpiece driver, said at least one suspension device structured to allow a dental patient chair to be positioned substantially below said at least one dental bracket table" as recited by claim 1. Accordingly, Applicant requests that Examiner issue a Notice of Allowability of claim 1.

2. Dependent Claims 2-10, and 22-23

Claims 2-10, and new claims 22-23 depend either directly or indirectly from claim 1, and are thus allowable for at least the reasons why claim 1 is allowable. Accordingly, Applicant respectfully requests that Examiner issue a Notice of Allowability of claims 2-10 and 22-23.

B. Claims 18-21

1. Independent Claim 18

With respect to Applicant's unamended claim 18, Examiner has stated that "As to claims 18-21, Grayson at al. show coupling a suspension device between at least one table and at least one unit, the device structured to allow a dental chair to be positioned substantially below the at least one table." *Examiner's Office Action* p. 3-4 (25 Oct. 2002). Applicant has herein amended claim 18 to recite "A method of assembling a portable dental treatment system, comprising: coupling a suspension device between at least one dental bracket table and at least one substantially self-contained portable base unit having a dental handpiece driver, said suspension device structured to allow a dental patient chair to be positioned substantially below the at least one dental bracket table." As has been shown in relation to claims 1-10, 22-23, Grayson is silent regarding any specifics related to console 12, and if Examiner is viewing Grayson as teaching that console 12 is portable, Examiner is engaging in impermissible hindsight in light of Applicant's application. Accordingly, Grayson does not show or suggest "A method of assembling a portable dental treatment system, comprising: coupling a suspension device between at least one dental bracket table and at least one substantially self-contained portable base unit having a dental handpiece driver, said suspension device structured to allow a dental patient chair to be positioned substantially below the at least one dental bracket table" as recited by claim 18. Accordingly, Applicant requests that Examiner issue a Notice of Allowability of claim 18.

2. Claims 19-21

Claims 19-21 depend either directly or indirectly from claim 18, and are thus allowable for at least the reasons why claim 18 is allowable. Accordingly, Applicant respectfully requests that Examiner issue a Notice of Allowability of claims 19-21.

III. 35 U.S.C. § 103 Rejections

A. Claims 5 and 10

Examiner has stated "Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grayson at al. in view of Hoffmeister et al. (4,445,859). Grayson et al. disclose a dental treatment system that shows the limitations as described above; however they

do not show the at least one suspension device comprising a curved member operably coupled between a side of the at least one unit and the at least one table." Applicant respectfully points out that insofar as Applicant has shown above that Grayson does not show the recitations of Applicant's claim 1, Examiner's rejections of claims 5 and 10 fall for at least the foregoing reasons. Accordingly, the patentability of claims 5 and 10 being established, Examiner's rejections of claims 5 and 10 is mooted, and this Applicant need not expressly address Examiner's rejections of dependent claims 5 and 10 herein. However, Applicant states for the record that it does not acquiesce in Examiner's characterization of the art as related to claims 5 and 10, and expressly reserves the right to challenge such assertions by the Examiner at a later time, should such become necessary in order to independently establish patentability. This is especially true with regards to the Examiner's assertions regarding the teaching combine or modify.

B. Claims 7 and 8

Examiner has stated "Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grayson et al. in view of Giannella (5,575,646). Grayson et al. disclose a dental treatment system that shows the limitations as described above; however they do not show the first member comprising a mounting bracket having a circular opening." Applicant respectfully points out that insofar as Applicant has shown above that Grayson does not show the recitations of Applicant's claim 1, Examiner's rejections of claims 7 and 8 fall for at least the foregoing reasons. Accordingly, the patentability of claims 7 and 8 being established, Examiner's rejections of claims 7 and 8 is mooted, and this Applicant need not expressly address Examiner's rejections of dependent claims 7 and 8 herein. However, Applicant states for the record that it does not acquiesce in Examiner's characterization of the art as related to claims 7 and 8, and expressly reserves the right to challenge such assertions by the Examiner at a later time, should such become necessary in order to independently establish patentability. This is especially true with regards to the Examiner's assertions regarding the teaching combine or modify.

C. Claim 9

Examiner has stated "Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grayson et al. Grayson et al. disclose a system that shows the limitations as described above; however they do not show the second member integrally molded with the first member." Applicant respectfully points out that insofar as Applicant has shown above that Grayson does not show the recitations of Applicant's claim 1, Examiner's rejection of claim 9 falls for at least the foregoing reasons. Accordingly, the patentability of claim 9 being established, Examiner's rejection of claim 9 is mooted, and this Applicant need not expressly address Examiner's rejection of dependent claim 9 herein. However, Applicant states for the record that it does not acquiesce in Examiner's characterization of the art as related to claim 9, and expressly reserves the right to challenge such assertions by the Examiner at a later time, should such become necessary in order to independently establish patentability. This is especially true with regards to the Examiner's assertions regarding the teaching combine or modify.

IV. New Claims 24-27

Applicant has added new claims 24-27 by amendment herein. New claims 24-27 recite a method of making a portable dental system. Applicant respectfully points out that, as shown at length above, the art of record does not show a substantially self-contained portable base unit. Consequently, the art of record does not show "affixing a dental handpiece driver within a substantially self-contained portable base unit" as recited in claim 24. In addition, the art of record does not show affixing "at least one air compressor," or "affixing at least one suction pump," or "affixing at least one circuit board" within the substantially self-contained portable base unit" as respectively recited in claims 25, 26, and 27. Accordingly, Applicant respectfully requests a Notice of Allowability on claims 24-27 for at least the foregoing reasons.

The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version With Markings to Show Changes Made.**" If a conflict arises between the clean copy and the attached "version with markings to show changes made," this statement constitutes public notice that Applicant

respectfully requests that its intent is that the version with markings to show changes made be considered controlling.

All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADEIn the Claims:

Please amend claims 1-10, 18 and 20-21 as follows

1. (Amended) A portable dental treatment system comprising:
at least one dental bracket table;
at least one substantially self-contained portable base unit having a dental handpiece driver; and
at least one suspension device ~~coupled~~ couplable between said at least one dental bracket table and said at least one substantially self-contained portable base unit having the dental handpiece driver, said at least one suspension device structured to allow a dental patient chair to be positioned substantially below said at least one dental bracket table
2. (Amended) The portable dental treatment system of Claim 1, wherein said at least one dental bracket table comprises:
a bracket tray or a dental hand piece holder.
3. (Amended) The portable dental treatment system of Claim 1, wherein said at least one substantially self-contained portable base unit having a dental handpiece driver ~~at least one portable base unit~~ comprises:
at least one air compressor to drive the dental handpieces ~~said at least one portable base unit having a device for at least partially driving a dental operator, the device for at least partially driving including but not limited to an air compressor, a suction pump, or an electric motor.~~
22. (New) The portable dental treatment system of Claim 1, wherein said at least one substantially self-contained portable base unit having a dental handpiece driver comprises:
at least one suction pump to drive the dental handpiece.

23. (New) The portable dental treatment system of Claim 1, wherein said at least one substantially self-contained portable base unit having a dental handpiece driver comprises:

circuitry to drive the dental handpiece.

4. (Amended) The portable dental treatment system of Claim 1, wherein said at least one substantially self-contained portable base unit having a dental handpiece driver at ~~least one portable base unit~~ comprises:

an enclosure structured to support at least one dental operatory component selected from a group of dental operatory components ~~including but not limited to~~ having an air compressor, a suction pump, an electric motor, a control knob, an electrical switch, and a mechanical switch.

5. (Amended) The portable dental treatment system of Claim 1, wherein said at least one suspension device structured to allow a dental patient chair to be positioned substantially below said at least one dental bracket table comprises:

a curved member operably coupled between a side of said at least one ~~portable base unit~~ substantially self-contained portable dental handpiece driver and said at least one dental bracket table.

6. (Amended) The portable dental treatment system of Claim 1, wherein said at least one suspension device structured to allow a dental patient chair to be positioned substantially below said at least one dental bracket table comprises:

a first member operably coupled with a side of said at least one ~~portable base unit~~ at least one substantially self-contained portable base unit having a dental handpiece driver; and

a second member at least partially transverse to said first member, said second member having a first end operably coupled with said at least one dental bracket table and a second end operably coupled with said first member.

7. (Amended) The portable dental treatment system of Claim 6, wherein said first member operably coupled with a side of said at least one ~~portable base unit~~ at least one substantially self-contained portable base unit having a dental handpiece driver comprises:

said first member rotatably attached to the side of the at least one ~~portable base unit~~ at least one substantially self-contained portable base unit having a dental handpiece driver.

8. (Amended) The portable dental treatment system of Claim 7, wherein said first member rotatably attached to the side of the at least one ~~portable base unit~~ at least one substantially self-contained portable base unit having a dental handpiece driver comprises:

a mounting bracket affixed to the side of said at least one ~~portable base unit~~ at least one substantially self-contained portable base unit having a dental handpiece driver, said mounting bracket having a circular opening; and

said first member inserted in said circular opening.

9. (Amended) The portable dental treatment system of Claim 6, wherein said second member having a first end operably coupled with said at least one dental bracket table and a second end operably coupled with said first member comprises:

said second member integrally molded with said first member.

10. (Amended) The portable dental treatment system of Claim 6, wherein said second member having a first end operably coupled with said at least one dental bracket table and a second end operably coupled with said first member comprises:

said second member rotatably attached to said at least one dental bracket.

18. (Amended) A method of assembling a portable dental treatment system, comprising:

coupling a suspension device between at least one dental bracket table and at least one ~~portable base unit~~ substantially self-contained portable base unit having a dental handpiece driver, said suspension device structured to allow a dental patient chair to be positioned substantially below the at least one dental bracket table.

19. (Amended) The method of Claim 18, wherein said at least one dental bracket table comprises:

a bracket tray or a dental hand piece holder.

20. (Amended) The method of Claim 18, wherein said at least one ~~portable base unit~~ at least one substantially self-contained portable base unit having a dental handpiece driver comprises:

~~said at least one portable base unit~~ at least one substantially self-contained portable base unit having a dental handpiece driver contains ~~a device for at least partially driving a dental operatory handpiece, the device for at least partially driving including but not limited to an air compressor, a suction pump, or an electric motor.~~

21. (Amended) The method of Claim 18, wherein said coupling a suspension device between at least one dental bracket table and at least one ~~portable base unit~~ at least one substantially self-contained portable base unit having a dental handpiece driver, said suspension device structured to allow a dental patient chair to be positioned substantially below the at least one dental bracket table comprises:

operably coupling a first member with a side of the at least one ~~portable base unit~~ at least one substantially self-contained portable base unit having a dental handpiece driver; and

operably coupling a second member substantially transverse to said first member such that said second member has a first end operably coupled with said at least one dental bracket table and has a second end operably coupled with said first member.

24. (New) A method of making a portable dental treatment system comprising:

affixing a dental handpiece driver within a substantially self-contained portable base unit.

25. (New) The method of Claim 24, wherein said affixing a dental handpiece driver within a substantially self-contained portable base unit comprising:

affixing at least one air compressor within the substantially self-contained portable base unit.

26. (New) The method of Claim 24, wherein said affixing a dental handpiece driver within a substantially self-contained portable base unit comprising:

affixing at least one suction pump within the substantially self-contained portable base unit.

27. (New) The method of Claim 24, wherein said affixing a dental handpiece driver within a substantially self-contained portable base unit comprising:

affixing at least one circuit board within the substantially self-contained portable base unit.

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